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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,953	03/23/1999	ITZIK BEN-BASSAT	3055.00068	9162

22907 7590 07/31/2006

BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

EXAMINER
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HUYNH, SON P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/274,953

**Applicant(s)**

BEN-BASSAT ET AL.

**Examiner**

Son P. Huynh

**Art Unit**

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 2-4, 7-9 and 24-30.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
CHRIS KELLEY

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues Naiff does not disclose transmitting data from the card to the satellite (page 5, line 19-page 6, paragraph 6).

In response, this argument is respectfully traversed. Naiff discloses the card is connected with the satellite receiver via cables 16, 10 (figures 1, 4, 7). In an alternative embodiment, the card (plugged in the PC) communicates with the service provider by an RF return path via coaxial or optical fiber cables 16, 10. Such RF return is well known in the art (col. 6, lines 27-36). Therefore, the card must transmit the data via coaxial or optical fiber cables 16, 10 to the satellite for communicating with the service provider. Otherwise, how can the card communicate with service provider via cables 16, 10 and satellite receiver? Therefore, Naiff suggests transmitting data through the card.

Applicant further argues Bukhari does not teach or suggest a peripheral card that receives and/or transmit data. Thus, there is no reason one skilled in the art would have replaced the receiver card in Naiff for a card that both receives and transmits data based on Bukhari (page 6, paragraph 6-page 7, paragraph 2).

In response, this argument is respectfully traversed. Using the card for transmitting data is already taught by Naiff as discussed above. The examiner relies on Bukhari for the teaching of VSAT comprises an upconverter and a power amplifier for transmitting data to an earth-orbiting satellite. Specifically, Bukhari discloses a connector, which a DC source from IDU powers the VSAT (col. 1, lines 6-22, col. 2, lines 14-35, col. 3, lines 42-48). The VSAT comprises an upconverter (read on met by frequency multiplier circuit 34) and a power amplifier (read on amplifier 36) for transmitting data to an earth orbiting satellite (col. 3, line 50-col. 4, line 8, figure 2).

Naiff discloses the card transmit data to the satellite as discussed above, Naiff does not specifically disclose VSAT comprises an upconverter and a power amplifier for transmitting data to the satellite. Bukhari discloses VSAT comprises an upconverter and a power amplifier for transmitting data to the satellite as discussed above. Therefore, it would have been obvious to one of ordinary skill in the art to modify Naiff to use the teaching as taught by Bukhari in order to reduce power consumption, reduce cost of the system, enhance data transmission.

Applicant additionally argues there is no teaching or suggestion in either Naiff or Bukhari that a modem and a peripheral card for transmission are interchangeable, particularly since neither document teaches or suggest a peripheral card capable of transmitting signals (page 7, paragraph 3).

In response, "a modem and a peripheral card for transmission are interchangeable" is not recited in the claims. Naiff discloses the card capable of transmitting signals as discussed above.

For the reasons given above, rejections on claims 2-4, 7-9 and 24-30 are maintained as discussed in the Final Office Action mailed on March 22, 2006..